

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ELIZABETH CHAN, *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
TRANSPORTATION, *et al.*,

Defendants.

Case No. 23-cv-10365-LJL
[rel. 1:24-cv-01644-LJL]
[rel. 1:24-cv-000367-LJL]

SUPPLEMENTAL DECLARATION OF ELIZABETH CHAN

I, Elizabeth Chan, declare under penalty of perjury that the following statements are true and correct:

1. My name is Elizabeth Chan, and I have been a lifelong resident of Battery Park City (“BPC”), since the 1980s. My husband and I have two young children, who we continue to raise in BPC today. I offer this statement to assist the Court in understanding how the current congestion pricing scheme would adversely impact my and my family’s lives.

2. My children attend the Leman Manhattan Preparatory School on Broad Street; my elder daughter is in the 1st grade and my younger daughter is in a 2’s Nursery Program, and they walk across West Street every day. As indicated in my initial Declaration, my younger child has special needs and suffers from an autoimmune, neurological, and reactive airway condition that causes frequent febrile seizures and respiratory distress, often needing to go to the emergency room and hospital via ambulance. Our lives are spent shuffling her to urgent cares and hospitals, often in the middle of the night. Over the past 12 months, my child has been hospitalized and visited pediatricians, urgent cares, emergency rooms, and hospitals

approximately 50 times, including within the last week.

3. The closest emergency room to my home is New York Presbyterian/Weill Cornell Downtown, located on Lower East Side (“LES”), right off the Brooklyn Bridge. The fastest way to arrive to and from the hospital is a path that requires taking West Street to the Battery Underpass to exits off the FDR.

4. Air quality mitigation in Lower Manhattan, including in environmental justice communities, has not been appropriately addressed, especially given the acknowledged likelihood of increased traffic on the lower sections of the FDR Drive. I also fear that increases in ambulance response time, and in exposure to air pollution will increase my and my children’s risk of suffering adverse health outcomes. There is no pediatric admissions at the New York Presbyterian/Weill Cornell Downtown hospital so if my daughter needs further care, she will be transferred to another admitting hospital for children which includes NYU Hassenfeld’s Children’s hospital or Weill Cornell Uptown. Both require driving on both West Street and the FDR to get to the hospital(s).

5. Because of my daughter’s medical issues, we are also members of Sollis Health, which has a 24-hour urgent care located on 77th Street and Lexington Avenue. We drive there often in the middle of the night where they know my family’s issues very well.

6. As a lifelong Manhattan resident with a family, we travel all over the tri-state area for various activities and needs, including recreation, cultural activities, and shopping. For example, I regularly travel to Chinatown to visit friends and childhood haunts. I visit my dentist, ENT, and optometrist, and purchase Chinese medicines and Asian related groceries. As I am half-Chinese and half-Filipino, I also often travel to Jersey City to buy Filipino groceries and visit my uncle and cousins who own a Filipino restaurant there. Frequent visits are made to

Queens to visit other aunts and cousins; Rockland County to visit my children's godmother and go shopping with my family nearby; Hoboken, New Jersey, Long Island City, and other locations that I travel for my work as a record producer and recording artist (often having to transport equipment by car); the Bronx Zoo, Central Park Zoo, and New York Aquarium, museums, and amusement parks with my family; and more. In sum, I do not spend my life cloistered in Battery Park City.

7. Accordingly, while concerned about the environmental impact of congestion pricing on BPC, my interests extend beyond there to other parts of New York City and the surrounding areas, as diverted traffic and increased air pollution will negatively impact our health and enjoyment of all the things the metropolitan area has to offer. In no way am I siloed off from the rest of New York City and the harmful environmental and sociological effects of the congestion pricing scheme simply by residing in BPC. Being a New Yorker has always meant to enjoy our shared backyard of all five boroughs and beyond. As residents we contribute to the cultural energy of the City.

8. On June 12, 2023, I sent a comment letter on the Environmental Assessment ("EA") and Draft Finding of No Significant Impact ("FONSI") via email and certified mail, as described in my previous Declaration, dated March 18, 2024. This comment letter also included six voluminous attachments, which, contrary to Defendants' assertions in this litigation, demonstrates that I raised a litany of issues and concerns about the EA and FONSI from my organization as well as other organizations with similar concerns. It was clear when speaking with and surveying nearly 200 families in Lower Manhattan that many of my experiences and concerns were shared amongst my community. Although Battery Park City is not recognized as an EJ community, many of the respondents of those who provided statements are minority

identifying and more than half rent their homes and have concerns over health, financial burden, and potential future displacement.

9. Attached hereto as **Exhibit 1** is a true and correct copy of this comment letter, dated June 12, 2023. Although previously submitted, I included it again here for reference.

10. Attached hereto as **Exhibits 2, 3, and 4** are a true and correct copy of portions of the Final EA with annotations by members of Families for Battery Park, which was attached to my comment letter.¹

11. Attached hereto as **Exhibit 5** is a true and correct copy of a letter from Jen Rosini-Gentile, President of the Leman Community Association, which was attached to my comment letter.

12. Attached hereto as **Exhibit 6** is a true and correct copy of a letter from the NYC STEM Club, which was attached to my comment letter.

13. Attached hereto as **Exhibit 7** is a true and correct copy of a letter from the Executive Board of PS 89 Parents and Teachers Association (PTA), which was attached to my comment letter.

14. Attached hereto as **Exhibit 8** is a true and correct copy of a letter from The Learning Experience Battery Park, which was attached to my comment letter.

15. Attached hereto as **Exhibit 9** is a true and correct copy of a spreadsheet questionnaire regarding the congestion pricing plan, which elicited approximately 172 individual responses and was attached to my comment letter.

¹ The file size of this 358-page document is too large to attach as a single exhibit.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: April 15, 2024
New York, New York



Elizabeth Chan